

**ILLINOIS STATE POLICE MERIT BOARD
OF THE STATE OF ILLINOIS**

IN RE THE MATTER OF:)
TROOPER DAWAN ANDERSON) Illinois State Police
I.D. #5635) Merit Board No. 15-07
[REDACTED])

DECISION

THIS CAUSE comes before the Merit Board on a six-count *Complaint* filed by Leo P. Schmitz, Director of the Illinois State Police, following a full hearing before duly appointed Merit Board Hearing Officer, Thomas E. Johnson.

The Merit Board, having reviewed the testimony and the evidence submitted, the charges filed, the Hearing Officer's *Recommended Findings of Fact and Conclusions of Law*, the Briefs of Counsel, and the remarks of Trooper Anderson during open session, does hereby adopt the Hearing Officer's *Recommended Findings of Fact and Conclusions of Law* for Counts I through VI of the *Complaint*.

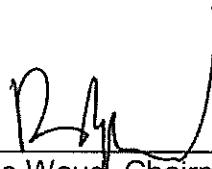
The Merit Board finds Trooper Anderson guilty of violating the Department's Rules of Conduct (ROC) as alleged in Counts I through VI of the *Complaint*. Specifically, the Merit Board finds the preponderance of the evidence establishes that Trooper Anderson (a) violated ROC, Paragraph III.A.22, in that he solicited an undercover police officer posing as a prostitute; (b) violated ROC, Paragraph III.A.23 in that he engaged in an illegal sexual activity by arranging to meet an undercover police officer posing as a prostitute and soliciting her for prostitution by offering her money in exchange for sex; (c) violated ROC, Paragraph III.A.41.c in that he made untruthful statements during his DII administrative interview; (d) violated ROC, Paragraph III.A.1 in

that he violated State and local law by soliciting an undercover police officer posing as a prostitute; (e) violated ROC, Paragraph III.A.59 in that he failed to notify his superior that he had been detained and issued a citation by the Matteson Police Department for Solicitation of a Prostitute; and (f) violated ROC, Paragraph III.A.8 in that his conduct failed to maintain a level of conduct in his personal affairs in keeping with the highest standards of the law enforcement profession and brought the Department into disrepute.

The Merit Board acknowledges that Trooper Anderson had apparently been a satisfactory officer before his conduct on March 19, 2015. The Merit Board, however, finds the evidence offered in mitigation does not overcome the evidence which forms the basis for discipline. The Merit Board is especially troubled and concerned by Trooper Anderson's complete lack of truthfulness and honesty in his DII statement and during the hearing. The evidence presented demonstrates such a serious breach of integrity and honesty that Trooper Anderson has forfeited any right he had to employment as a sworn officer with the Illinois State Police.

It is, therefore, the unanimous decision of the Merit Board to terminate Trooper Dawan Anderson from employment with the Illinois State Police.

Dated this 18th day of July, 2016.



Reeve Waud, Chairman
State Police Merit Board, State of Illinois

STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD

RECEIVED

MAY 23 2016

IN THE MATTER OF:

TROOPER DAWAN ANDERSON
I.D. No. 5597

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Illinois State Police
Merit Board No. 15-7
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ILLINOIS STATE POLICE
MERIT BOARD

RECOMMENDED FINDINGS OF FACT
AND CONCLUSIONS OF LAW

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I. BACKGROUND

A. PLEADINGS

This matter comes before the Illinois State Police Merit Board on the six-count complaint of the Illinois State Police (“ISP”), filed by Director Leo P. Schmitz on September 17, 2015. The complaint seeks Trooper Dawan Anderson’s dismissal and alleges that he solicited a prostitute (Count I), engaged in illegal sexual activity (Count II), failed to truthfully answer questions during his administrative interview (Count III), violated state and local law in soliciting a prostitute (Count IV), failed to notify his supervisor that he was the subject of a criminal investigation (Count V), and brought the Department into disrepute by his actions (Count VI).

B. PREHEARING PROCEEDINGS

Upon the filing of the complaint, the undersigned conducted a series of pre-hearing conferences. During these conferences and at the hearing, Trooper Anderson was represented by attorney Guy Studach. The Director of the Illinois State Police was represented by Assistant Attorneys General Chad Skarpiak and Jessica Durkin, as well as by attorney John Hosteny of the Illinois State Police.

Discovery was conducted and the hearing was continued from time to time by agreement of the parties, in order to allow them adequate time to prepare for the hearing. During the pre-hearing proceedings, the Illinois State Police objected to the production of two documents, on grounds they were privileged or attorney work product. After an *in camera* review, the hearing officer, in an order dated December 2, 2015, sustained the

Illinois State Police's objection to production of the documents, finding both documents to be subject to the attorney-client privilege, as well as work product.

Before the hearing, the Illinois State Police filed a motion in limine to prohibit Trooper Anderson from submitting certain allegedly comparable cases into evidence, which he claimed were relevant to the penalty to be imposed, if he was found guilty. The hearing officer denied this motion and admitted the exhibits into evidence in a ruling at the hearing on February 10, 2016 (5-6). Throughout these Recommended Findings and Conclusions of Law, the pages of the transcript will be referred to parenthetically; the exhibits will be referred to either as "CX" for the Illinois State Police's exhibits and as "RX" for Trooper Anderson's exhibits.

C. HEARING

Testimonial and documentary evidence was presented during the hearing on February 10 and 11, 2016 at the Thompson Center in Chicago, Illinois. Following the close of the evidence at the hearing, a briefing schedule was established for simultaneous written closing arguments to be filed by April 6, 2016. Pursuant to this schedule, the Hearing Officer's Recommended Findings of Fact and Conclusions of Law are to be submitted by May 23, 2016

i. Hearing Witnesses

The following witnesses testified at the hearing in this case. The page number of the transcript at which the testimony of the witness starts is included in parentheses.

1. Dawan Anderson (10, 324)
2. Nicole Gordon (60)
3. Jeremy Sims (96)
4. Helen Siaj (122)

5. Christine Dean (158)
6. Deborah Simental (190)
7. George Anderson (266)
8. Mark Pilgrim (294)
9. Thomas Martin (303)
10. Jason Holt (313)

ii. Exhibits

PETITIONER'S EXHIBITS			
#	Description	Marked	Received
1	Rules of Conduct	13	53
2	Trooper Anderson's DII interview	16	302
3	Memo from Anderson to Capt. Meeder, dated 3/21/15	25	53
4	Matteson Citation to Anderson	46	47
5	Impoundment Notice to Anderson	48	49
6	Matteson police report, 3/19/15	99	
7	Backpage Ads	125	126
8	Complaint in this matter	192	203
9	720 ILCS 5/11-14.1	103	203
10	Matteson Ordinance No. 4246	204	204
RESPONDENT'S EXHIBITS			
1	Twenty Matteson Police Reports prepared in connection with reverse prostitution sting	114	
2	Anderson's proposed comparable discipline cases	222	253
3	Anderson performance reviews	264	264
4	Matteson police towing bill	336	338
5	Order of the Circuit Court in Anderson case, dated August 20, 2015	341	344

D. POST-HEARING PROCEEDINGS

Following the hearing, Trooper Anderson presented a motion to re-open proofs, in which he sought to present additional testimony from George Anderson, as well as

redacted phone records from one of the phones on Trooper Anderson's telephone account, which is alleged to be the phone George Anderson used when he first made contact with the undercover officers posing as prostitutes. After briefing the motion, the hearing officer denied the motion in an order dated March 17, 2016.

II. SUMMARY OF THE EVIDENCE

The following is a brief review of the evidence submitted in this case as determined by the hearing officer. This review does not include a recitation of all of the evidence presented in the case and is not intended to be an all-inclusive summary of the evidence. Instead, it is intended to serve as a guide for the basis and understanding of the Recommended Findings of Fact and Conclusions of Law submitted by the hearing officer. The hearing officer has specifically considered all of the testimony and exhibits introduced in this case and the arguments, both written and oral, of the attorneys on behalf of the parties. The fact that many of the specifics of the testimony, documents and arguments are not included in this summary should not be interpreted to mean that these have not been fully considered by the hearing officer.

WITNESSES

DAWAN ANDERSON

**(Called as an Adverse Witness in the Department's Case and in Respondent's Case)
(10, 364)**

Dawan Anderson has been a trooper with ISP for 12 years. (324) He has never received any discipline. (325) In 2015, in addition to working for the ISP, he worked for Olive Harvey College and Rich South High School as a security guard. (325) He had ISP approval for this. (325)

There are several people on Trooper Anderson's T-Mobile cell phone account: his wife, himself, his stepdaughter, and his uncle, George Anderson. (327) George Anderson needed a separate phone line to call women so that his girlfriend could not find out about his conversations with other women. (327) Trooper Anderson did not know the telephone number of the phone his uncle used, by heart. (327)

On March 19, 2015, Trooper Anderson did not work as an ISP trooper. (326) He worked at Rich South high school from 7:00 a.m. to 3:55 p.m or 4:00 p.m. (22-23, 326) Around 3:30 he received a telephone call from his uncle, George Anderson. (327) George Anderson asked Trooper Anderson to go and "check out this lady" he had been talking to earlier about a massage; he wanted to make sure it was legitimate. (327) The uncle did not tell Trooper Anderson where he got the information that prompted his call to the lady. (327) After Trooper Anderson got this call, he went back to work at Rich South. (327) Trooper Anderson left Rich South, went to his house (where he arrived between 3:55 pm and an unstated time), changed clothes into his Olive-Harvey uniform, and met his uncle at a gas station, located at Sauk Trail Road and Cicero Avenue. (29, 328). The purpose of this meeting was for Trooper Anderson to obtain his uncle's phone so that Trooper Anderson could call the lady. (328) He learned from his uncle that he should go to the LaQuinta Inn motel in Matteson. (326-29) Trooper Anderson testified that he could not get a massage that day because he needed to go to his job at Olive Harvey College. (23-24)

When Trooper Anderson got to the LaQuinta parking lot, he called the lady, and she told Trooper Anderson a room number. (329) That was the entire telephone conversation. (329) Trooper Anderson testified that the only phone call he had with the

lady was when Trooper Anderson arrived at the LaQuinta parking lot. (29, 329). This occurred 5-10 minutes after Trooper Anderson spoke with his uncle at the gas station (34).

Trooper Anderson then went up to the hotel room and knocked on the door. (329) A lady opened the door, gave him a hug, and asked him how long he was staying. (329) Trooper Anderson testified that he told her, "I'm not staying, and I got to go to work. I just came to see what you look like." (330)

When Trooper Anderson walked into the room, he noticed another female sitting on the bed. (330) He did not see any massage oils, or any massage table. (41-42, 330) This was suspicious to Trooper Anderson. (332) He stood to the side of the woman who he now knows was Officer Dean and "gaited" himself between them. (330). Officer Dean kept asking him how long he was staying. (330) She also said "30 or 60?" (330) Trooper Anderson testified that the woman asked this at least five times. (330) He testified that one time he responded "30 minutes." (331) He testified that the other undercover officer in the room (who appeared to be Asian) asked: "How about two girls?" (330) Trooper Anderson testified that he responded: "That would be nice' (43-44, 331), which he claims was sarcastic. (331) He did not tell the women that he was only staying for a short time or that he was only checking the place out for his uncle. (37-38) Trooper Anderson reached out to grab the Asian lady's arm, but then he saw police officers coming in the hall, and he greeted them (331) The police officers accused Trooper Anderson of soliciting a prostitute and Anderson denied it. (331) Anderson said he was a police officer and "I don't do that." (331) Anderson testified that he told the officers he never offered money or talked about a sex act and that, if anything, he would have got a

massage. (45). He testified that Officer Dean never said anything about a sexual act or a price. (332).

After he was taken to the processing room, Trooper Anderson told Detective Christiansen that he was not there to solicit a prostitute and that he did not have any money on him. (332-33) He testified that he told the detective that he was there just to check it out for a massage. (333, 334) He also testified that Officer Martin told him he was not under arrest, as it was only an ordinance violation; there was no misdemeanor complaint, no fingerprints. (333)

Trooper Anderson noted that he could not have stayed 30 minutes for a massage that day because there was insufficient time for him to get to his job at Olive Harvey. (334) He had to be at work at 5:00 pm. (335) It takes at least 40 minutes to drive to Olive Harvey. (332)

The police told Trooper Anderson that his car had been towed, though it was only taken from the front to the back of the motel (337). He had to secure cash to retrieve his car. Trooper Anderson drove with Sergeant Martin of the Matteson police to an ATM in order to obtain money to pay for the towing charge. Anderson says he told Martin that the undercover officer never said anything about sex or money. (338) Sergeant Martin said, "She is good at what she does", according to Anderson. (338) When they got back to the hotel, Trooper Anderson asked Martin about "the other phone, I either left it upstairs or in your car", meaning the phone he and George Anderson had used to call the lady. (339) Trooper Anderson never went back to try to locate the telephone. (339) He had told DII investigators that he threw the phone away or dropped it. (CX 2) He does not know what happened to the phone that his uncle allegedly used that day to call the woman. (340)

He disconnected the phone line that his uncle had been using (32) and refused to turn over his cell phone records to DII investigators. (33-34) George Anderson then obtained a new number for himself (CX 2, p. 6).

Trooper Anderson appealed the prostitution citation to the Circuit Court. The citation was dismissed because key items were not included in the administrative record (RX 5) and his fine was reimbursed to him. (340) Trooper Anderson observed two other cases involving citations from the same sting operation, but it is not clear what happened in those cases. He did not produce any documentary or other evidence pertaining to these cases. (343)

After the March 19, 2015, incident, Anderson did not contact his supervisor about this incident and the Matteson investigation. (344) He concedes this was a lapse in his own judgment. (345) He also testified that his action reflected poorly on the Department because he used a lack of judgment. (51)

On March 21, 2015, Captain Meeder asked Trooper Anderson to come in to do a report on what had transpired in Matteson. (345) In that report, prepared and signed by Trooper Anderson, it says that during a telephone call with the lady, "she asked how long you want to say, she said 30 or sixty minutes. I said probably 30." (345) (CX 3) Trooper Anderson testified that the report was erroneous and represented a typographical error, caused by the merger of two memos that he condensed into one memo. (346) Trooper Anderson testified that what he meant was that he never had a conversation with the undercover officer on the phone about how long he was going to stay. (349) Anderson testified that any conversation about the length of time he would be in the room actually

occurred in the room itself. (349) Anderson never told DII investigators about this "typo" in his report (CX 2).

While Trooper Anderson denies knowing where his uncle obtained the phone number for the woman they were calling, Trooper Anderson admits that he had previously accessed the BackPages website to buy a washer and dryer (14) on his cell phone (9-11, 20) and was able to access the escort pages on his cell phone after this incident (CX 2, p. 16).

Trooper Anderson does not believe he violated ROC¹, par. A.22 (Count I) because he did not know that the woman he called was supposed to be a prostitute. (349) He says he did not know this because he did not have a telephone conversation with her about a sex act or an amount of money in exchange for a sexual act. (350) When Trooper Anderson was being processed, he overheard a telephone conversation between an officer and Sgt. Sims of the Matteson police, in which, responding to the question, "How long," the officer said, "I think say, around 30, 30 or 60." (351) Trooper Anderson did not report this alleged conversation either in his administrative report. (CX 2, 351)

Trooper Anderson does not believe he violated ROC, par. A.23 (Count II) because Trooper Anderson did not knowingly arrange to meet an undercover officer posing as a prostitute. Rather his uncle made the arrangements with the woman. (352) His uncle was worried about getting robbed. (353) He trusted his uncle so he did not think a massage at a hotel was unusual. (353) Trooper Anderson has never been on the adult site of Backpages.com, but he has been on the website to buy a washer and dryer. (353) He testified that he was not on the website on March 19, 2015. (354)

¹ "ROC" refers to the Illinois State Police Directive ROC-002, Rules of Conduct, which is CX 1.

Trooper Anderson does not believe he violated ROC, par. A.41 (Count III) because he was truthful in his administrative interview in that the only phone conversation he had with the undercover officer was in the parking lot and there was no mention of sexual acts or an offer of money. (354) Also, he never offered the undercover officer any money when he saw her face to face in the room or discussed a sex act. (355).

Trooper Anderson does not believe that he was untruthful to the Matteson police. (355). Trooper Anderson testified that their police report was a cookie-cutter report that was the same as every other one for that day. (355) Anderson testified that when Sergeant Sims was talking to the undercover police officer by telephone during Trooper Anderson's arrest, there was no mention of a sex act or an amount of money, only time. (356) Trooper Anderson was present when Sergeant Sims was preparing his report. (357) Trooper Anderson does not believe he violated state law because he was only charged with an administrative citation. (358)

Concerning Count V, Trooper Anderson admits that he violated ROC, par. A.59 by failing to notify his command officer of the Matteson investigation. (358)

Concerning Count VI, Trooper Anderson does not believe he brought the Department in disrepute because the matter was not in the news. (358)

Trooper Anderson does not believe his current supervisor, Master Sergeant Jewel Harris, puts much effort into his annual employee evaluations because they are all the same, and he believes that his current supervisor is racially prejudiced against him. (383-84) For the last four years of evaluations by Harris, the written comments are verbatim

for all four years. (360) Trooper Anderson admits that he did not write a response to any of his evaluations from Master Sergeant Harris. (379)

In his testimony at the hearing, Trooper Anderson testified that he talked with his uncle around 3:30 pm, March 19, 2015. (365) In his administrative interview, he said he talked with his uncle at 2:00 or 3:00 pm. (366) In his administrative interview, he said that his uncle had been talking to this lady all day. (366) He signed his administrative report (CX 3) (369) He signed it without proofreading it. (369) Trooper Anderson says that after he wrote the memo and was at the administrative interview, he did tell the investigators that he made a mistake in his memo. (370) In the administrative interview, four months after the incident, he said that he did not recall ever speaking to the female about the length of time. (371) Now he says he can recall that this conversation only happened in the hotel room. (372) Trooper Anderson agrees that it is important for him to have told the investigators at the administrative interview that there was a discrepancy in his office memorandum. (373) In his administrative report, Trooper Anderson did not mention the cell phone conversation between Sgt. Sims and the undercover officer. (375)

NICOLE GORDON
(60)

Nicole Gordon is an investigator with the Cook County Sheriff's Police. (61). Since 2007, she has been assigned to the Central Suppression Team, which involves street crime suppression, narcotics and guns. In March 2015, Investigator Gordon also worked vice (62) She worked as a decoy for prostitution stings. (62) She has worked on thirty to forty reverse prostitution stings. (62) Of these, she has worked six to eight in Matteson, Illinois. (63)

Investigator Gordon described the general procedure for reverse prostitution stings in Matteson, Illinois, as follows:

1. The reverse prostitution stings start at 3 pm. (63) First, there is a briefing with all involved officers. (63) At the briefing or shortly before, the officers "post" ads on Backpage.com, an Internet site. (64) These posts are pictures of women, with an ad for services to men with a phone number, fake name and prices. (64) The ads do not contain the word "massage." (64) These ads are found in the "escort" section of the website and not in the separate section that offers massages. (64, 127) The ads do not mention specific sex acts because the Backpage site does not permit use of explicit words for sex. (64) The police use words like "full service." (65) Investigator Gordon has learned on the job that the use of the phrase "full service" means, "sex" to customers seeking such services. (65)

2. After the police investigators post the ads on Backpage, they head to a hotel that Matteson Police Department has arranged (64-65) At the hotel, the investigators answer their phones. (66) These phones and their phone numbers are provided by the Vice Unit or the Special Operations unit for the Sheriff's Police. (66) The phone is turned on after the ads are posted to Backpage. (67)

3. Typically, potential customers call and ask about prices for sex acts using code words. (67-68) The investigator/decoy does not reveal her location in the first phone call with a potential customer. (68) If and when a "deal" (specific sex act, amount of money and amount of time) is made with a potential customer, the investigator/decoy will then tell the potential customer to drive to a specific intersection and then call back. (69) On this first post-deal call, the hotel location of the Investigator/decoy is not revealed. (69)

If a customer indicates that he wants something non-sexual like a massage, then no deal is struck and no location revealed. (70)

4. After the potential customer arrives at the nearby intersection, the investigator/decoy reveals her hotel. When the potential customer calls back again from the parking lot of the hotel, then he is given the hotel room number. That is, a potential customer must make at least three calls before the hotel room number is revealed. (71)

5. The layout of the sting at the hotel is as follows: there is a takedown room, where the police officers who will make an arrest wait; there is a decoy room where the investigator/decoys are located; and the third room is a processing room where the customer is taken after the arrest. (71)

6. When the potential customer comes to the decoy room, the investigator/decoy and one or two other decoys are waiting for him. (71) The undercover officer who has been dealing with the customer lets him into the room and the terms of the transaction are repeated, using explicit sexual language, an explicit amount of time, and specific reference to money takes place again. (72-74) Then the other decoys leave and activate the arrest signal. (72)

On March 19, 2015, Investigator Gordon was on a sting operation at a LaQuinta Inn in Matteson, Illinois. (75) During this sting operation, she did have trouble with her telephone, but otherwise the operation that day followed protocol and was not unusual. (76) Every time she was in the room with a potential customer on March 19, 2015, an explicit deal involving sex for money was made in that room. (77) Investigator Gordon has no specific memory of Trooper Dawan Anderson on March 19, 2015. (77)

On cross-examination, Investigator Gordon stated that there is no ‘set script’ for the telephone calls or the actual transaction in the decoy room. (78) From initial telephone contact until meeting in the decoy room, Investigator Gordon will have three to four telephone conversations with a potential customer. (79) During the telephone calls, Investigator Gordon takes notes. (84) She uses these notes to make her reports, but then destroys them. (85-86) She has not seen any reports related to the March 19, 2015 sting at issue in this case. (86) At the time of the arrest, the investigator/decoy informs the Matteson police officer of the terms of the deal, that is sexual intercourse for a certain amount of money. (93-94) The names of the people receiving citations in the sting are not published on television or in the newspaper. (87)

SERGEANT JEREMY SIMS
(96)

Sergeant Jeremy Sims is a Detective Sergeant with the Matteson Police Department. As part of his duties in March of 2015, he worked reverse sting prostitution operations. (97) He generates the case report at the time of arrest in these operations. (97) Most of these reports are the same except for the names of the violators and the amount of money. (105) He recalls March 19, 2015, when he interviewed the arresting officers within seconds of each arrest, and there were twenty arrests (98, 105) He generated the police report concerning Dawan Anderson. (99) The report was made around 4:22 p.m. on March 19, 2015. (100) Sims recalls that Anderson identified himself as a trooper and also that Anderson identified himself as an Illinois State trooper to another Matteson policeman. (101) Sims has worked eight of these stings in his career. (103) Men caught in the sting received a citation for violation of a village ordinance, not

for violation of a state statute. (105) In Sims' mind, issuing a citation is the same as arresting the suspect. (110) The men caught in the sting were not read their Miranda rights. (11) Sims was told by the tow team that Anderson's car was towed. (112) When Anderson was arrested at the sting, he would have been searched, but Sims does not know who did the search on Dawan Anderson. (113) Sims knows nothing about Anderson's car. (112)

HELEN SIAJ
(122)

Helen Siaj is an investigator with the Cook County Sheriff's Police who has participated in over one hundred reverse prostitution stings, and had worked six to eight stings in Matteson. (122-23) In March 2015, Siaj was assigned to the vice unit and participated as an undercover decoy in a sting operation at the LaQuinta Hotel in Matteson, Illinois. (123) The undercover/decoy officers post ads with Backpage.com. On March 19, 2015, she posted the ads in question, and hers was for the "sexy Asian hottie" (129).

These ads are posted in the adult section under "Escorts" which is different from the "Massage" section. (126-127) If someone requested a massage, the undercover officer would simply say she did not do that sort of thing. (131) The ads do not refer to any specific sex act because the Internet site does not permit it. (131) The ads refer to "full service" which is a common phrase used to mean sexual intercourse. (133) The ads are reposted throughout the day to keep the ads at the top of the listing so more customers will see it. (126) Each ad has a unique telephone number so that it is connected to one specific undercover officer. (127-28)

After a briefing at 3:00 pm, she and the other undercover officers travel to the hotel. (129) At the hotel, undercover officers are in one room, the arrest teams are in two or three other rooms. (130) On the phone calls, the potential customers and the undercover officer agree on a specific sex act, amount of time and price. (130) The undercover officer will also say that condoms are required in order to insure that there is no confusion that sexual intercourse is being discussed. (132) The undercover agent does not give her exact location for security reasons until the customer is in the parking lot of the hotel. (130) When the potential customer arrives at the hotel parking lot, the undercover officer provides her room number. (132) When the customer comes up to the room, the details of the transaction (sex act, time and cost) are repeated. (132-33) Usually there will be other undercover officers in the room, and when the specific officer has confirmed the transaction, she signals to these officers and they signal the arrest team. (134-135) After the arrest, the undercover officer gives the details about the transaction to the officer writing the report. (136) Siaj testified that she takes notes during the telephone calls that she keeps until she does her own police reports or until the reports are done. (144) For a Matteson assignment, she did not give her notes to the Matteson police. (144) She keeps her notes about three or four months. (145)

Helen Siaj testified she was in the room on March 19, 2015 when every deal was made that day (135) She says that the protocol described above was followed and every man who came into the room sought sex in exchange for money (134-35, 153-54) She does recall that under the protocol and on March 19, 2015, once the potential customer is in the room, she verbally confirms at least two of the three elements (specific sex act, time and cost) before signaling for the arrest. (156) Siaj has no recollection of Dawan

Anderson. (134) All the telephones she has used in these undercover sting operations have only provided the telephone number of the caller and not the name. (142-43) In Helen Siaj's opinion, to properly issue a citation, these elements must be said in the hotel room: 1) amount of time); 2) type of sex act; 3) amount of money. (154-55)

CHRISTINE DEAN
(158)

Christine Dean has been a patrol officer with the Matteson Police Department for twelve years. (158) She worked a reverse prostitution sting operation on March 19, 2015 at the LaQuinta Hotel in Matteson, Illinois. (158-59) This was her sixth such operation. (159) The protocol for a sting is as follows: The operation starts at 3:00 p.m. at the police department. At that time, Internet postings are made using the telephone numbers of the telephones provided by the Sheriff's Department. (159-60, 162) These postings are to Backpage.com. The Cook County Sheriff's Police make the postings. (160) The ad marked CX 7, pp. 1-2 is her advertisement. Through the course of the sting, the ad is reposted to keep it up at the top of the ads. (161)

Once Dean starts receiving telephone calls her process is as follows. First, she makes sure the person is answering her ad in Backpage.com. (164) If so, then she asks the customer if he would like to make an appointment and determines what he is looking for. (164) Sometimes she has received a call from someone seeking a massage and then she immediately disconnects the call or she lets the person know that she does not do that sort of thing. (164) She uses the terminology "full service" and she reiterates that that would consist of sexual intercourse along with oral sex and that the going rate is \$60 for thirty minutes. (164-65) She uses the term 'full service" because the Cook County

Sheriff's Department told her that this means sexual intercourse and oral sex. (165) Even if the customer says "full service," Dean will specify what this means, so there is no confusion. (165-66) After a sex act, time, and an amount of money are agreed upon, she will ask the customer what time they plan to come see her. (166)

On March 19, 2015, Dean recalls receiving a telephone call from Dawan Anderson. (167) She recalls this because the name "Dawan Anderson" showed up on the telephone. (167) During the first phone call with Anderson, the conversation established that Dawan Anderson wanted a half hour, which would be \$60. (168) The protocol is that the officer who sets up the call answers the hotel room door when the customer knocks. (168) Typically, there are other officers in the room as well. (169) When the subject walks in, the time needed for an explicit sex act is reiterated. (169) When the subject confirms the time, then the arresting officers come in. (169). Dean recalls Anderson's face from that day. (171) She recalls that he came into the room at the hotel and that she reiterated the time and full service. (171) Dean recalls that Trooper Anderson wanted thirty minutes. (171) Dean does not recall any case where there was any uncertainty to the terms of the transaction. (172) When the arrest team came in, Trooper Anderson was handcuffed and moved to the processing room. (173) Then Dean told Detective Sims that Trooper Anderson wanted thirty minutes, \$60, full service.

Dean received no special training for this sting operation. (175) She believes that once the terms of the transaction are confirmed during a telephone call, merely confirming the amount of time in the hotel room is sufficient to issue a citation. (168)

Dean learned how to do her part in reverse prostitution sting operations from the other officers. (176) Typically, there are three phone calls between the undercover

officer and the customer. (176) In the first conversation, she asks him what he wants and for how much. (176) In this call, the undercover officer will mention full service, intercourse and sex. (176) She writes down the name of the customer in her notes. (177) She does not recall whether the caller with the Dawan Anderson ID on the phone used that name or some other name. (177) In the first telephone call, the undercover officer provides a location near the hotel. (178) She doesn't identify the hotel or her room number in the first telephone conversation. (178)

On the next telephone call, the undercover officer provides the name of the hotel where she is located. (179) When the customer gets to the parking lot, the customer calls again and is given the room number. (179) There is no conversation in these last calls about the transaction because the deal is done. (180)

When Dawan Anderson came into the hotel room, Dean recalls there was one other undercover officer there. (180) Typically, the conversation between the customer and the undercover officer takes less than one minute. (181) Dean recalls that Trooper Anderson was in the hotel room less than two minutes before he was arrested. (183) Dean does not recall how many times she reconfirmed with Trooper Anderson the amount of time the sex act would take. (182) Dean takes notes about the telephone calls. (184) Typically, she destroys them that day after she has reported to the officer writing the reports. (184)

In the hotel room, it is not necessary to confirm the details of the transaction because that was already done on the telephone call. (185) Nonetheless, when the customer comes into the hotel room, the terms will be reiterated. (185-86)

Dean has a present memory of the actual encounter with Trooper Anderson in the hotel. (188) Dean does not have a memory of what the terms of the transaction were with Trooper Anderson. (188) Dean does have a memory that he agreed to the terms of the transaction in the hotel room. (189)

COLONEL DEBORAH SIMENTAL
(190)

Colonel Deborah Simental oversees the Division of Internal Investigations with the Illinois State Police. (190) She has worked with the ISP for 26 years and she has overseen the Division of Internal Investigation since January 1, 2014. (190) Her personnel investigated the complaint against Trooper Anderson. (191) She is familiar with Trooper Anderson's file and the ISP's Rules of Conduct. ("ROC") (191) The ROC, marked and received as Exhibit 1, were in effect on March 19, 2015. (191) The ROC was accessible to Trooper Anderson on that date. (191)

In Count I of the Complaint (Exhibit 8), Trooper Anderson is charged with violating ROC par. III.A.22 that prohibits an ISP trooper from, *inter alia*, soliciting a prostitute. (193) Under the ROC, the level of discipline corresponding to a violation of par. III.A.22 on the first offense is termination. (193) In the Department's view Trooper Anderson violated ROC par. III.A.22. (193-94)

In Count II of the Complaint, Trooper Anderson is charged with violating ROC par. III.A.23 which provides that "officers will not engage or participate in any illegal sexual act or activity, including but not limited to prostitution and/or pimping." (194) In the Department's view, Trooper Anderson violated ROC par. III.A.23. (194) Under the

ROC, the level of discipline corresponding to a violation of par. III.A.23 on the first offense is termination. (195)

In Count III of the Complaint, Trooper Anderson is charged with violating ROC par. III.A.41.c. That rule prohibits an officer from being untruthful during his or her administrative interview. (195) In the Department's view, Trooper Anderson violated ROC par. III.A.41.c. (195) For the first offense, the corresponding level of discipline for a violation of par. III.A.41.c is termination. (196)

In Count IV, Trooper Anderson is charged with violating ROC par. III.A.1 which requires a trooper to confirm his or her conduct with the laws. Here, in the Department's view, Trooper Anderson violated state law and the ordinance of Matteson prohibiting solicitation of a prostitute. (197-98) The corresponding level of discipline associated with this misdemeanor offense is a suspension of 31 to 45 days. (197)

In Count V, Trooper Anderson is charged with violating ROC par. III.A.59 which provides that when an officer becomes aware that they are the subject of an investigation or criminal complaint by an agency outside of the ISP, the officer needs to provide immediate notification to their supervisor both verbally and in writing. (198) In the Department's view, Trooper Anderson violated ROC par. III A.59 because he failed to provide immediate notification of the incident involving the Matteson and Cook County Sheriff's Police Department. (198-99) The corresponding discipline for a first offense is a Level 2 misconduct that is 4 to 10 days suspension. (199)

In Count VI, Trooper Anderson is charged with violating ROC par. III.A.8 which provides that officers need to maintain a level of conduct in their personal and business affairs that are in the highest keeping of the law enforcement profession and that any

conduct will not impair their ability to perform as a law enforcement officer or cause the agency to be brought into disrepute by their actions. (199) In the Department's view, Trooper Anderson violated ROC par. III.A.8 because he solicited a prostitute and he failed to notify his supervisor of the subsequent investigation. Hence, his conduct was not in line with law enforcement standards. (200) The level of discipline associated with a violation of par. III.A. 8 violation is a four to ten day suspension. (200)

In this case, Simental testified that the the Department seeks termination of Trooper Anderson. (200) This is based on the totality of the circumstances and specifically that three of the charges in the Complaint are Level 7 termination offenses. (201) The Department places a great deal of importance on its officers' ability to provide truthful statements. If the officer in this administrative proceeding is found not to have provided truthful answers, then this could negatively impact the officer's ability to testify in court on other matters. (201) The officer would have a credibility deficit. (201) As a trooper assigned to highway patrol, Trooper Anderson typically will have to testify in court. (202)

On cross examination, Colonel Simental noted she has worked for the Department of Internal Investigations for 19 years. She made Master Sergeant in November 2000. (205) She was promoted to Lieutenant in 2007. (205) In March 2011, she was promoted to Captain. (205), and to Colonel in 2014. (205) On average, the entire division handles 100 to 150 referrals each year. (207)

Colonel Simental relied on a disciplinary matrix for the recommended discipline for each count of the Complaint against Trooper Anderson. (209) She does not know how the matrix was developed. (209) Colonel Simental did not review Trooper

Anderson's personnel file or speak with his supervisors. (210) She reviewed the DII case file and Complaint before her testimony. (210). She did consider his past work history that was based on a report in the DII file by his district commander. (210)

The Department believes that its reputation was tarnished, as alleged in Count VI, even though there was no publication of the information. (219) It also believes that it was an arrest even though the Matteson police officer characterized it as not an arrest. (220) Trooper Anderson contends that in Illinois prior acts of misconduct, even for untruthfulness, in an administrative setting, cannot be used to impeach in Illinois. (221) The Colonel is not aware of this and it does not change her view that a finding of untruthfulness against respondent in this proceeding could be used to impeach him in court when he testified on behalf of the Department. (221)

Regarding the precedent cases of Department discipline, which Trooper Anderson offered as RX 2, the Colonel expressed the following views.

1. Trooper Ralph Timmens was disciplined over six years ago. (223)

Trooper Timmens is alleged to have provided a woman with money in return for nude photos and sexual intercourse. (223) He was charged administratively with a violation of Illinois state law regarding prostitution. (224) The Colonel has no personal knowledge about this case. (224) Trooper Timmens was not charged with an untruthful statement. (244) He was not arrested. (244) The Timmens matter was resolved by the Department Director, and not the Merit Board. (244)

2. Trooper Rieves was disciplined in 2013. The Colonel has no personal knowledge about this case. (227) The Rieves matter was settled with a 45-day suspension. (227) Trooper Rieves was having a sexual relationship with a female

dealer in the gaming board office at a casino. (227) He lied about it in a memorandum. (227) He created a conflict of interest. (228) In the Colonel's opinion, this matter is not comparable to Trooper Anderson because Trooper Anderson lied during the administrative interview. (230) Although Trooper Rieves submitted a false memorandum, he was truthful during his administrative interview and he was truthful when he came before the Disciplinary Review Board. (230-31)(244) There are levels of untruthfulness in the Rules of Conduct. (231) Also, engaging in a relationship with a woman is different from soliciting a prostitute. (231) The Department did not charge Anderson with an untruthful memorandum, although it probably could have. (233) Trooper Rieves conduct was consensual. (245) The trooper was not soliciting a prostitute. (245)

3. Regarding Master Sergeant Chadd Brody, there was a settlement which carried a 90-day suspension. (234) Brody was charged with several misdemeanor offenses. (234) The Colonel is aware of this matter. (234) The Colonel had no input into the case. (235) The Colonel does not know why the sexual battery count was dismissed. (236)

In Trooper Anderson's case, the Matteson misdemeanor was overturned on appeal. (237) Trooper Anderson's money was returned to him. (237) Even though this is true, the Department decided to proceed administratively. (237) The Colonel is aware of the concept of progressive discipline. (241) Trooper Anderson has worked for the Department since 2004. (241) There has not been any prior reportable discipline that is relevant to this case. (241)

All troopers are aware of the disciplinary matrix that is part of the Rules of Conduct.

(243) Simental is aware that there are officers who currently or in the past have worked with misdemeanor convictions, but she is not aware of any instance where the Department did not ask for the discharge of troopers who received a DUI while employed with the Department. (245)

GEORGE ANDERSON
(265)

George Anderson works for Lyft and Uber. (266) He is the uncle of Dawan Anderson. (267) In March of 2015, George Anderson had a telephone that was on Dawan Anderson's mobile telephone account. (267) This was because he had some problems with his girlfriend and he was talking to other women. (267) He used Dawan Anderson's phone to talk with other women so his girlfriend would not find out about these conversations. (267)

On March 19, 2015, George Anderson was at the Horseshoe Casino in Hammond, Indiana. (267) He arrived there around 9:00 or 9:30 a.m. He was with another nephew, James Jackson. (267) George Anderson stayed at the casino until noon. (268) He left and picked up a truck to move some equipment. (268) At that time, James Jackson left the casino and went to Wisconsin where he lives. (268)

In the morning of March 19, 2015, George Anderson and James Jackson had a discussion about massages. (266) James Jackson mentioned that he used to use Backpage.com to find massage parlors when he lived in Illinois. (269) George Anderson did not know anything about the Backpage website and he has never been on that website. (269) George Anderson is computer illiterate. (269)

James Jackson called George Anderson around 2:15 or 2:30. (268) Prior to the hearing, Anderson had not told DII investigators about this call. (283-84) James Jackson told George Anderson that somebody was giving massages out by where George Anderson's club is in Matteson. (269) James Jackson gave George Anderson a telephone number, telling George Anderson to call it. (269-70) George Anderson called this number and talked with a woman about a massage. (270) She said to George Anderson, "do you want a full massage or something it was to that nature." (270) George Anderson told her he would call her back. (271) Anderson had told DII investigators that he talked to the woman between noon and 1 pm. (278-79)

George Anderson testified he called her back at approximately 3:15 or 3:30. She said, "meet at a Citgo gas station." (271) That gas station is located on Lincoln Highway. (271) During this telephone call, the woman said to meet her at a LaQuinta. (274) George Anderson told her that he would call her back. (271) George Anderson testified that during these two telephone calls, no price was discussed, no sex acts were discussed, and no amount of time was discussed, but she did say "full service." (274, 281)

George Anderson called Dawan Anderson about 3:30 to 3:45 p.m. and asked him could he go and check it out for him. (272) When George Anderson called Dawan Anderson, George Anderson was at a BP gas station on Sauk Trail. (272) This call was before 4:00, probably between 3:30 and 3:45 p.m., because Dawan Anderson had to go back to work. (272) Dawan Anderson was at Rich South High School when George Anderson called him. (272) George Anderson wanted Dawan Anderson to "check it out" to make sure there were no stick-ups. (273) George Anderson testified that he did not

know the LaQuinta Hotel was the meeting place until later, though later he said the woman told him the massage would occur at the LaQuinta motel (274, 280-81)

George Anderson gave Dawan Anderson the telephone, so he could call the woman with whom George had been speaking. (275) He said the lady's phone number was in the phone and this is the phone she would answer. (275) George Anderson did not hear Dawan Anderson call the woman. (275) George Anderson knew that Dawan Anderson had to be at work at Olive Harvey College. (276) George Anderson told Dawan Anderson to check it out and make sure it was safe. (276) According to George Anderson, it is not unusual for get massages or pedicures in a hotel. (276)

George Anderson was interviewed by the Department's Division of Internal Investigations. (277) In the investigation report of this interview, it states that between noon and 1:00 on March 19, 2015 he called the number and spoke to a female. (278) But George Anderson doesn't think he told the investigators that because it was closer to 2:00 p.m., because "after [he] went and picked the truck up and James didn't call me back until we got into the middle of moving." (279) George Anderson was very shook up during the DII interview because he did not want his girlfriend hearing about the "massage" he had initiated. (279) George Anderson had just lost two kids and he is 59 years old, so his memory is not that good. (279) George Anderson felt pressured during the interview. (280) He felt the investigators were trying to put words in his mouth. (280) There were two agents. (280)

George Anderson knew it was important to tell the whole story correctly when talking with the investigators. (282) During that interview he never mentioned anything about "full massage" or "full service." (282-83) This was because the investigators did

not ask. (290) During the interview, George Anderson also did not mention James Jackson, did not mention that James Jackson used the term "Backpages.com." or that James Jackson gave him the phone number. (283-84) In the interview, George Anderson also did not mention that the woman had told him to meet her at the LaQuinta. (286) George Anderson did not tell the officers that Dawan Anderson had to be at work later on March 19. (226) In the interview, George Anderson told the investigators that Dawn Anderson had thrown away the cell phone (287) but then says Dawn Anderson had never told him that he had thrown the phone away. (290) He only said "fuck the phone ... I don't know what happened to it". (290)

MARK C. PILGRIM
(294)

Mark Pilgrim is a Master Sergeant with the Illinois State Police and he has been employed there for 25 years. (294-95) He has worked with Trooper Dawan Anderson since 2009 when he was one of Trooper Anderson's supervisors. (296) Pilgrim evaluated Trooper Anderson in August 2009, and found that he met expectations in 11 categories and exceeded in 3 categories. (297) Pilgrim found that Trooper Anderson consistently surpassed the Department's goals and objectives in seatbelt enforcement. (297) Pilgrim found him reliable, with excellent communication skills, that he remained calm in stressful situations, and he had excellent relations with his peers and supervisors. (298) Pilgrim evaluated Trooper Anderson in August 2010. The results were similar to those of 2009. (299) Pilgrim evaluated Trooper Anderson in August 2011. (300) The results were similar to those of 2009 and 2010. (300)

During the three years that Pilgrim evaluated Trooper Anderson, Pilgrim never indicated that Anderson needed improvement in any type of work. (301) Overall, Pilgrim would describe Trooper Anderson as an average trooper who excelled at seatbelt enforcement. (301)

THOMAS MARTIN
(303)

Sergeant Thomas Martin is an Administrative Sergeant with the Matteson Police Department. (303) He had been involved in five or six prostitution stings. (303) On March 19, 2015, his role as the administrative sergeant was in charge of towing. (304) Martin was present when Trooper Anderson received his citation. (304) Trooper Anderson's car was moved from the front of the building to the back, but it was not towed to the impound lot. (305) There were 20 citations given in the sting on March 19, 2015, and 18 cars were towed to the impound lot as part of the sting. (306) The two that were not towed to the impound lot belonged to police officers. (306) This was probably as a courtesy to the police officers. (307) There is a \$500 car impoundment fee that is an administrative fee. (307) There was also a \$500 fine for the ordinance violation. (308)

In the car ride to the ATM machine, Martin remembers Trooper Anderson saying a friend gave him the phone number and told him it was a good place to get a massage. (310) Anderson reiterated that he was just going for a massage. (310) After Martin took Anderson to the cash machine, he took Anderson to the Matteson Police Department where Trooper Anderson paid. (310)

When Martin saw Trooper Anderson in the processing room, Anderson was continuously mentioning that he was going to get a massage. (308) When Anderson was being processed, Martin did not hear him say he was a police officer and did not hear him

use the word "button." (309) In Martin's experience, it is not uncommon for men to say they were there for a massage when arrested at a sting operation. (312)

Martin does not recall telling Trooper Anderson that because he was not under arrest, he did not have to inform his supervisors. (313)

MASTER SERGEANT JASON HOLT
(313)

Master Sergeant Jason Holt has worked for the Illinois State Police for 17 ½ years and his current assignment is with the Division of Internal Investigations. (314) He assisted Special Agent Gonzalez with some interviews. (314) He was Special Agent Gonzalez's supervisor. (314) Holt participated in the administrative interview of Dawan Anderson. (314)

Dawan Anderson and George Anderson reported that neither knew the telephone number of the phone used on March 19, 2015 related to the prostitution sting operation. (317-18) Dawan Anderson reported that his telephone account was with T-Mobile. (318) During the investigation, neither investigator attempted to obtain records from T-Mobile of Trooper Anderson's account. (318) Holt did not do this because in his experience you need an actual phone number to subpoena telephone records and neither Dawan Anderson nor George Anderson provided the number. (319) The investigators did ask Trooper Anderson for his cell phone records but Anderson refused to provide them, on the advice of his lawyer. (320)

During the investigation, the investigators learned of the alleged cellphone used by the uncle. They asked Dawan Anderson to provide telephone numbers but Anderson refused. (320) The investigators never issued any subpoena to obtain the telephone records. (319, 323)

III. GENERAL FINDINGS OF FACT

The Reverse Prostitution Sting and Trooper Anderson's Arrest

The testimony establishes that on March 19, 2015, the Matteson police department, in conjunction with the Cook County Sheriff's office, initiated a reverse prostitution sting at the LaQuinta Inn, in Matteson. The purpose was to identify and charge men who were soliciting women for prostitution.

Cook County Sheriff police officers Nicole Gordon and Helen Siaj, as well as Matteson police officer Christine Dean, posed undercover as prostitutes. They were experienced in operating these stings. They testified consistently that the operation begins with a 3:00 pm briefing involving the undercover agents and the police officers who will support them by making arrests, booking subjects and towing their vehicles. At or just prior to the briefing, the undercover officers posted advertisements for "erotic" or "kinky" services on the Backpage.com website, in the "escort" section of the site. (CX 7) These ads featured scantily clad women, and offered a time, price and phone number to call. The ads did not offer massages, and there is a separate section of the Backpage.com website that offers massage services. The ads did not offer explicit sex acts, as Backpage.com would not permit this. In order to attract customers, the ads were re-posted repeatedly during the day, to ensure that they would be among the first ads to appear when someone accessed the website.

After posting the ads, the Sheriff's office provided phones to the women police officers working undercover. Each of the undercover officers used a different phone with a particular number, each linked to a particular ad. The phones are not activated until after the 3:00 pm briefing, so no calls are taken until after the briefing is over.

Officers Gordon, Siaj and Dean, in part corroborated by Sgts. Sims and Martin of the Matteson police (who also worked this sting), consistently and credibly testified that after the briefing, the officers relocated to the LaQuinta Inn, where they set up the undercover officers in a motel room, and established a takedown room next door, where arresting officers were positioned. There was also an adjacent processing room, where customers would be booked following their arrest. Once at the La Quinta, the undercover officers began receiving calls on their phones.

When a call comes in, the undercover officers all credibly testified that a discussion ensues with a potential customer. If the customer asks about a massage, Officers Gordon, Siaj and Dean all testified that they would end the phone call or advise the caller that they do not provide massages. If the caller is interested in sex, the undercover agents discuss this with them until there is a deal made where the customer offers money for sex. When a deal is made, the undercover officers testified that they tell the customer to proceed to a general location near the hotel, without giving them their location at the hotel. Once the customer arrives at this location, which may be a gas station, a second call takes place and the undercover officer will advise the customer that she is at the nearby LaQuinta Inn, giving the address. The customer will be told to go to the La Quinta and make a third call from the parking lot. Once at the La Quinta, the customer is given the undercover officer's room number in the final call that takes place between them.

Upon arrival at the room, the undercover agent who has been in telephone contact with the customer greets the customer. Officers Gordon, Siaj and Dean all agree that they orally reconfirm the sex act sought, the amount of time the customer will spend (both of

which determine price) and the cost of the sex. Sometimes code words are used for sex, e.g. "full service" means oral sex and sexual intercourse. One or both of the other undercover officers will also be in the room. Once the terms of the unlawful deal are re-confirmed, the other undercover officers exit the room, and alert the takedown team, who come and arrest the customer. Officers Gordon, Siaj and Dean were clear that this protocol was followed at the La Quinta during each of the twenty arrests made on March 19, 2015.

On March 19, 2015, Officer Dean received a call from a man and the name "Dawan Anderson" appeared on the phone. The person made a deal on the phone for a half-hour session, at a cost of \$60. After the prescribed series of phone calls, Trooper Anderson appeared at the La Quinta Inn motel room where the undercover officers were located. Officer Dean had a specific recollection of Trooper Anderson and recognized him at the hearing. In the room, Officer Dean testified that Trooper Anderson made it clear he would be there for one-half hour, and pay \$60 for oral sex and sexual intercourse.

Trooper Anderson was then arrested and processed. He was charged with violating the Matteson ordinance prohibiting the solicitation of a prostitute (Ordinance No. 4246) (CX 10). His citation (CX 4) is in the record. It carries a \$500 fine. The Matteson police moved his car from the front of the motel to the back and this constituted an impoundment, as indicated in the Seizure and Impoundment notice he received (CX 5). Trooper Anderson was escorted to an ATM by Sgt. Martin, so that he could obtain the necessary \$500 fee, in order to retrieve his vehicle and lift the impoundment order. His receipt is in evidence (RX 4).

Thereafter Trooper Anderson contested his citation. The Circuit Court of Cook County vacated the determination that he was liable. It did not determine whether or not Trooper Anderson solicited a prostitute, but rather vacated his conviction because the sworn complaint and a copy of the ordinance were not included in the administrative record the Court reviewed (RX 5). No fine was then imposed and the village had to return the impoundment fee it had collected.

Trooper Anderson's Defense

Trooper Anderson claims that he did not locate the number of the undercover agent on the Backpage.com website and did not make the initial calls to undercover police officer Dean. Rather, he says that his uncle, George Anderson, used a cell phone that Trooper Anderson provided. While George Anderson has his own cell phone, he uses the one Trooper Anderson provided in order to contact women, as George Anderson's girlfriend objects to these calls and relationships. George Anderson says he made the initial calls to the undercover agent.

George Anderson is computer illiterate and does not know how to access any websites, including Backpage.com. He claims that he was gambling at the Horseshoe Casino in Hammond, Indiana, at 9:00 am on March 19, 2015 with his nephew James Jackson, where they talked about how to secure a massage. Jackson left Anderson about noon, to travel back to Wisconsin, where he lives. Though neither of the Andersons ever previously told the DII investigators about James Jackson's role in all of this, at the hearing, George Anderson claimed that James Jackson called him from Wisconsin at about 2:00 pm to provide him with a phone number where he could get a massage. It was Officer Dean's undercover phone. After discussing a massage with the woman who

answered the phone, George Anderson testified that she told him to go to a Citgo gas station on Lincoln Highway. In his DII statement, George Anderson indicated this is where his conversations with the woman stopped. At the hearing, he said he did not know about the La Quinta meeting place from his phone calls with the undercover officer, but later said he did.

Even though George Anderson had secured this number from his nephew and the woman on the phone talked with him about the availability of a massage, Mr. Anderson said he became suspicious that he might be robbed, if he went to the La Quinta. So, he called his nephew, Trooper Anderson, who was at Rich South high school, where he worked secondary employment as a security guard. He wanted Trooper Anderson to check out the masseuse to see if it was legitimate. Trooper Anderson testified that he received this call at 3:30 p.m., but in his administrative interview, said he talked with his uncle between 2:00 p.m. and 3:00 p.m.

Trooper Anderson testified that he finished his shift at Rich South at 3:55 pm, then went home, and changed into the uniform he used at a second part-time security job at Olive Harvey college, where his shift started at 5:00 pm. He testified that he then met his uncle at the gas station, and agreed to check out the woman offering a massage. George Anderson gave Trooper Anderson the phone he had been using to speak with the woman, indicating that this is what she would answer. Trooper Anderson called only once, according to his testimony, and was told to go to a particular room at the La Quinta. Trooper Anderson arrived at the motel about 4:15 pm, not accompanied by George Anderson. He concedes that he told Dean that he would stay for 30 minutes, that he did not mention anything about leaving shortly or having a massage, and when Officer Siaj

asked "how about two girls", Trooper Anderson said "Man, that's nice" (CX 3) or "That would be nice" (44). He was then arrested, and protested he was not there for sex but just checking out a massage.

Trooper Anderson testified that he thought he left the cell phone he and George Anderson had been using either in the processing room or in the Matteson squad car that took him to an ATM station to get cash to release his car. At his DII interview, he indicated he had thrown the phone away, and it was gone. George Anderson, at his DII interview, also indicated that the phone had been thrown away. In any event, Trooper Anderson canceled the phone, could not recall the phone number when asked by DII investigators, and refused to produce the phone records for this phone, or his other phones, when asked by DII investigators.

The Testimony of Trooper Anderson and His Uncle Is Not Credible

The Hearing Officer finds the testimony of Trooper Anderson, as well as his uncle not credible, and further finds that the undercover officers' account of what transpired is credible. There are many reasons to doubt the truth of what Trooper Anderson and his uncle said, including but not limited to the following:

1. George Anderson's testimony that he obtained the phone number Officer Dean was using from his nephew James Jackson is not believable. He had never told the DII investigators in his prior statement that this is where the number came from. (283-84) Nor was James Jackson, a family member, offered as a witness to corroborate this testimony. Indeed, the testimony from George Anderson on this point was hearsay, though counsel for the Illinois State Police did not object. Further, George Anderson told DII that he had talked to the woman between noon and 1 pm (278-79), when the

Backpage.com ads would not have been up on the website, according to the uncontradicted testimony of the undercover agents. Similarly, Trooper Anderson testified that George Anderson told him he had been talking to the woman "all day" (20-21). This could not have been the case. George Anderson changed his story at the hearing, indicating that his nephew gave him the phone number for the massage at about 2 pm (269-70). The Hearing Officer finds this change in his testimony was designed to explain how he, a computer illiterate, got the phone number and to square the timing of the calls with when the phones were turned on, though it does not even do that since the phones did not become operational until 3:00 pm

2. George Anderson insists he spoke to Officer Dean about a massage and was led to believe that he could obtain a massage from her (270, 274, 281). This is directly inconsistent with the credible and consistent testimony of all three undercover officers that they did not discuss massages and would, in fact, tell customers they did not do massages or would end the call if the customer was interested in a massage (70, 131, 164). Moreover, the whole point of the undercover operation was to arrest men seeking sex and not massages, so it would not make any sense for the undercover officers to discuss massages or spend time on calls about massages.

3. George Anderson initially told DII investigators that he did not know the location of the woman to whom he was talking. (285). He persisted in this position during his early testimony at the hearing. (274). He then changed his testimony to indicate that he understood she was at the La Quinta, even before Trooper Anderson supposedly began using the phone (285). It is not credible that the woman told George Anderson to go to a gas station, if she had already disclosed her La Quinta location. More seriously, the

change in George Anderson's testimony appears done to ensure that Trooper Anderson could testify he only had one call with the woman, from the parking lot of the LaQuinta Inn. George Anderson's inconsistent stories further undermine his credibility.

4. George Anderson testified that he gave the phone he and Trooper Anderson were using to Dawan Anderson and the trooper proceeded alone to the La Quinta. This was done because, according to George Anderson, this was the phone the woman would answer. George never explains why a legitimate masseur would only answer calls from a particular phone. Passing that part of this highly unbelievable story, there is no explanation as to why George Anderson did not accompany Trooper Anderson to the hotel, if the massage was for George. Indeed, if the massage parlor in the motel turned out to be legitimate, how would George Anderson follow up with the woman, since Trooper Anderson had to head to his next job, and was in custody of the phone she would answer? The Hearing Officer finds George Anderson's testimony entirely incredible

5. If one cell phone provided the entire history of George and Trooper Anderson's interaction with Officer Dean, and the records comport with the story they are telling, then Trooper Anderson (who paid for the phone and was in control of the records for the phone) should have submitted the records for this phone, as well as his own phone, into evidence. His failure to do so, despite the DII investigators' request, severely undermines his credibility and that of George Anderson. Trooper Anderson's mysterious loss or disposal of the actual phone (CX 2, p. 15) further undermines his credibility.

6. Trooper Anderson concedes that he made no effort to inform his supervisors of the Matteson investigation or the charges against him, despite his duty to do so. While he dismisses this as a lapse in judgment, it is far more than that. It is entirely reasonable to

infer that he failed to tell his supervisors about the incident because he was guilty of soliciting a prostitute. Otherwise, he could have filed a report with his explanation of the misunderstanding that he and his uncle now advance at the hearing.

7. Two days after this incident, Capt. Meeder asked Trooper Anderson to write a memo about this incident (CX 3). In the memo, Trooper Anderson explicitly stated that when the woman asked him on the phone how long he would stay at the motel, he said thirty minutes. This is consistent with the undercover officers' testimony. At the hearing, Trooper Anderson claimed this statement in his memo was a mistake, caused by trying to merge two documents (10-12, 35). Though Trooper Anderson claims he told the DII investigators about this "typo", the Hearing Officer finds he did not, after reviewing CX 2, and particularly p. 22. This story was offered for the first time at the hearing, and the Hearing Officer finds that it has been manufactured.

8. Nor is the timing of the story advanced by Trooper Anderson credible. He testified that he worked at Rich South until 3:55 pm, then went home and changed clothes. He then met up with his uncle at the gas station, and retrieved the phone. He traveled to the La Quinta and then spoke with the woman on the phone. He went up to her room and minutes later, he was arrested. According to the Matteson citation, the trooper's solicitation of the prostitute took place at 4:20 pm in the room.

9. Once he was in the motel room, Trooper Anderson's statements and actions are inconsistent with the claim that he was checking out a massage for his uncle. He is checking out the scene for possible robbers but fails to bring his weapon with him. (40) He admits telling the undercover officer that he would be staying for 30 minutes (348) and never indicated he would only be there for a minute to check out the business (37-

38). The trooper concedes that the other woman in the room asked him "how about two girls" (CX 3), but he did not leave. Instead, he indicated two women would be nice (43-44). While he says this comment was meant to be sarcastic, he did not say that was the case in CX 3.

The hearing officer finds that the account of the events of March 19, 2015 offered by Trooper Anderson and his uncle are not credible for all of the reasons set forth above. Further, they were evasive and inconsistent in their testimony during the hearing. On the contrary, the testimony of the undercover agents and the Matteson police was straightforward, consistent and convincing. It is credited in full by the Hearing Officer.

IV. SPECIFIC FINDINGS OF FACT

The Hearing Officer makes the following specific findings with respect to the charges alleged in the Complaint:

1. COUNT I: SOLICITING A PROSTITUTE

Count I of the Complaint alleges that Trooper Dawan Anderson entered the La Quinta motel in Matteson, in order to solicit prostitution, and then solicited an undercover police officer posing as a prostitute by offering her money in exchange for sex, in violation of ROC, par. III.A.22. Crediting the testimony of Officers Dean, Gordon, Siaj and Sgts. Sims and Martin, as well as the exhibits introduced into evidence pertaining to the complaint issued against Trooper Anderson, the Hearing Officer finds, by a preponderance of the evidence, that on March 19, 2015, Trooper Dawan Anderson contacted undercover officer Dean, solicited sex for money, and followed through by appearing at the La Quinta motel, where he again solicited sex for money. The Hearing Officer disbelieves the testimony of George Anderson altogether and finds he had no

involvement in the solicitation. The Hearing Officer further disbelieves the testimony of Trooper Anderson, when he contends that he was only at the motel to check out whether legitimate massages were available. As such, the Hearing Officer finds that Trooper Dawan Anderson violated ROC, par. III.A.22.

2. COUNT II: ILLEGAL SEXUAL ACTIVITY-ADMINISTRATION

Count II of the Complaint alleges that Trooper Dawan Anderson engaged in an illegal sexual activity by arranging to meet an undercover police officer posing as a prostitute at the La Quinta motel in Matteson, and while there soliciting her for prostitution by offering her money in exchange for sex, in violation of ROC, par. III.A.23. For the reasons stated in the Specific Findings in Count I above, the Hearing Officer finds, by a preponderance of the evidence, that Trooper Dawan Anderson contacted undercover officer Dean, solicited sex for money, and followed through by appearing at the La Quinta motel, where he again solicited sex for money. As such, the Hearing Officer finds that Trooper Dawan Anderson violated ROC, par. III.A.23.

3. COUNT III: FAILURE TO TRUSTFULLY ANSWER QUESTIONS

Count III of the Complaint alleges that Trooper Dawan Anderson made untruthful statements during his DII administrative interview, when he: a) denied offering money to an undercover officer posing as a prostitute, in exchange for a sexual act, during a telephone conversation on March 19, 2015; b) denied offering money to an undercover officer posing as a prostitute, in exchange for a sexual act, while at the La Quinta motel on March 19, 2015; and in stating that the Matteson and Cook County sheriff's police were untruthful in their reports about Trooper Anderson's actions and/or statements on March 19, 2015 that led to the issuance of a citation for soliciting a prostitute in violation

of a Matteson city ordinance. These untruthful statements by Trooper Anderson are alleged to violate ROC, par III.A.41.c. The Hearing Officer credits the testimony of undercover police officers Dean, Gordon and Siaj, as well as Sgts. Sims and Martin that Trooper Anderson solicited sex for money on the telephone, as well as in the La Quinta motel room, and so credits their testimony that the issuance of the Matteson ordinance violation was warranted. Trooper Anderson and his uncle's testimony on all three of these issues is not credible for the reasons set forth in the General Findings, above. As such, the Hearing Officer finds that the preponderance of the evidence demonstrates that Trooper Anderson violated ROC, par. III.A.41.c.

4. COUNT IV: VIOLATION OF STATE LAW

Count IV of the Complaint alleges that Dawan Anderson violated state and local law in soliciting undercover officer Dean for sex, in exchange for money, and thus violated ROC, par. III.A.1. While Trooper Anderson was issued a citation only for a violation of the Matteson ordinance prohibiting solicitation (CX 10), and that citation was eventually vacated by the Circuit Court of Cook County for procedural reasons, Trooper Anderson's conduct in soliciting undercover officer Dean for sex, in exchange for money, both on the phone and in the La Quinta motel room violates both the Matteson ordinance and the state statute making it a misdemeanor to solicit a prostitute for sex (CX 9). Here, for the reasons set forth above in the General Findings, the Hearing Officer credits the testimony of officers Dean, Gordon and Siaj, as well as Sgts. Sims and Martin, and does not credit the testimony of either George Anderson or Trooper Anderson, and finds that Trooper Anderson solicited a prostitute on the phone and in the room. While Trooper Anderson escaped criminal liability for his conduct, the preponderance of the evidence

shows that he violated the terms of both the Matteson ordinance and the state solicitation statute, and thus violated ROC, par. III.A.1.

5. COUNT V: FAILURE TO INOTIFY A SUPERVISOR

Count V of the Complaint alleges that Dawan Anderson violated ROC, par. III.A.59 when he failed to notify his supervisor of the Matteson Police investigation. Trooper Anderson has conceded that he violated this directive. Accordingly, he is guilty of violating ROC, par. III.A.59,

6. COUNT VI: BRINGING THE DEPARTMENT INTO DISREPUTE

Count VI of the Complaint alleges that Trooper Anderson violated ROC, par. III.A.8 when he solicited a prostitute and failed to inform his superiors of the investigation and citation that was issued as a result of his solicitation. For the reasons set out in the General Findings, the Hearing Officer finds that Trooper Anderson did solicit officer Dean, who was posing as a prostitute, for sex, in exchange for money, and the trooper admits he did not tell his superiors about the incident, the investigation or the charges that arose out of it. As such, Trooper Anderson failed to maintain a level of conduct in his personal affairs that is in keeping with the highest standards of the law enforcement profession. Though Trooper Anderson's participation in this prostitution sting was not publicized to the general populace through television or the newspapers, his conduct brought the Department into disrepute in the eyes of the law enforcement professionals who conducted this sting. As such, the preponderance of evidence establishes that Trooper Anderson violated ROC, par. III.A.8.

CONCLUSIONS OF LAW

1. The Illinois State Police Merit Board has jurisdiction over the parties and the subject matter in this case.
2. This matter is decided exclusively on the evidence admitted at the hearing held in this case.
3. The burden of proof in this case rests upon the Illinois State Police. This Illinois State Police are required to prove the allegations of the Complaint by a preponderance of the evidence. (80 Ill. Adm. Code, Ch, IV. Secs 150.665(f), 250.680(a)). By requiring proof of a matter by preponderance of the evidence, the Illinois State Police are required to prove that the matters asserted are more probably true than not true. (Illinois Pattern Jury Instructions, Civil, 21.01).
4. Concerning Count I of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Department has proven, by a preponderance, that Trooper Dawan Anderson has violated of ROC, par. III.A.22.
5. Concerning Count II of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Department has proven, by a preponderance, that Trooper Dawan Anderson has violated ROC, par. III.A.23.
6. Concerning Count III of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Department has proven, by a preponderance, that Trooper Dawan Anderson has violated ROC, par. III.A.41.c.

7. Concerning Count IV of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Department has proven, by a preponderance, that Trooper Dawan Anderson has violated ROC, par.

III.A.1.

8. Concerning Count V of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Department has proven, by a preponderance, that Trooper Dawan Anderson has violated ROC, par.

III.A.59.

9. Concerning Count VI of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Department has proven, by a preponderance, that Trooper Dawan Anderson has violated ROC, par.

III.A.8.

VI. PENALTY CONSIDERATION

The Department is seeking Trooper Anderson's discharge. The Hearing Officer fully realizes that the imposition of any penalty in this case, following a finding that Trooper Anderson is guilty of any charge alleged, is within the exclusive prerogative of the Illinois State Police Merit Board. Thus, no recommendation is made with reference to the appropriate penalty to be imposed in the event the Board finds Trooper Anderson guilty on one or more counts of this Complaint. However, in an effort to facilitate the Board's consideration of the evidence offered with reference to a possible penalty, the Hearing Officer will summarize that evidence here.

The Department called Colonel Deborah Simental, the officer in charge of the Illinois State Police's Division of Internal Investigations, to describe why discharge is the

appropriate penalty in this case. She noted that three of the charges (Counts I through III) are Level 7 offenses where termination is appropriate. She emphasized that in violating Count III, by making untruthful statements to the DII, Trooper Anderson might well have negatively impacted his ability to testify in court on criminal matters, which is a regular part of a Trooper's job. *See, Merrifield v Illinois State Police Merit Board, 294 Ill.App.3d 520, 529 (1998)* (upholding discharge and finding "an officer's untruthfulness clearly discredits the integrity and thwarts the efficiency of the Department, particularly where, as in this case, an officer lies during the course of a departmental investigation").

Trooper Anderson offered the testimony of Master Sergeant Mark Pilgrim, who supervised him from 2009 to 2011. During the three years that Pilgrim evaluated Trooper Anderson, Pilgrim never indicated that Anderson needed improvement in any type of work. (301) Overall, Pilgrim would describe Trooper Anderson as an average trooper who excelled at seatbelt enforcement. (301) Trooper Anderson also offered his performance ratings for 2006 through 2015 (RX 3). His most recent evaluations by Master Sergeant Harris find him to be only satisfactory, saying "he doesn't put fourth (sic) his best effort" but "does just enough to get by performing at a satisfactory level" (RX 3, pp. 6, 24, 29, 35, and 44). Trooper Anderson regards Master Sergeant Harris to be racially prejudiced against him, though both are African-American (383-84), and feels Master Sergeant Harris puts little effort into his evaluations (360).

Trooper Anderson has also submitted records from the disciplinary cases of four Troopers (RX 2) and argues that they warrant a penalty of less than discharge. The Appellate Court has held: "[t]he fact that different individuals have been disciplined differently is not a basis for concluding that an agency's disciplinary decision is

unreasonable; such conclusions are appropriate when individuals received different discipline in a single, identical, 'completely related' case", *Siwek v Police Board of the City of Chicago*, 374 Ill.App. 3d 735, 738 (2007); *Launius v Board of Fire and Police Commissioners*, 151 Ill.2d 419, 441-42 (1992). A "completely related" case is one where two officers are involved in the same incident. *Robbins v Department of State Police Merit Board*, 2014 IL App (4th) 130041, at *p. 49; 2014 Ill.App. LEXIS 103, at *23-24 (2014). None of the four other cases Trooper Anderson has offered are "completely related" to this case.

None of the four cases were fully adjudicated before the Merit Board in contested hearings. The Wetherrad, Rieves and Brody cases were all settled before a hearing took place and submitted to the Board as agreed dispositions. The Timmins matter was a disciplinary action imposed by the Director of the Illinois State Police that was never before the Board. The cases where the Board approved a settlement are not similar to the facts of this case, as Colonel Simental explained (223-236). Master Sergeant Wetherrad was involved in an auto accident and failed to give information to or check on the condition of the other driver for injuries. He was truthful during his DII interview, though he gave a false report to his supervisor. Trooper Greg Rieves had a consensual sexual relationship on duty with a casino employee and did not solicit a prostitute. He did not make false statements at his DII interview, though he made a false report to his supervisor. Trooper Chad Brody resisted arrest after engaging in an altercation with security personnel at a bar, but denied the sexual battery that allegedly started the altercation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T E J".

Thomas E. Johnson, Hearing Officer

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36 S. Wabash Ave., Suite 1310
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0419

CERTIFICATE OF SERVICE

Service of the foregoing document was made by email and first class mail to:

Illinois State Police Merit Board
531 Sangamon Avenue East
Springfield, IL 62702
jwebster@ispmeritboard.org

and by email to:

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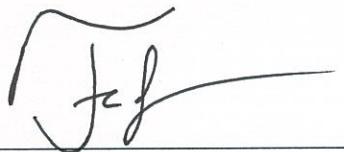
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MAY 23, 2016

**ILLINOIS STATE POLICE
MERIT BOARD**

Guy Studach
Troopers Lodge 41, FOP
5880 South Sixth Street
Springfield, IL 62703
GStudach@iltroopers41.org

on this 20th day of May, 2016



Thomas E. Johnson

0420

RECEIVED

STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD

SEP 17 2015

ILLINOIS STATE POLICE
MERIT BOARD

IN THE MATTER OF:)
TROOPER DAWAN ANDERSON) Illinois State Police
I.D. No. 5597) Merit Board No. 15-
[REDACTED])

COMPLAINT

NOW COMES Leo P. Schmitz, Director of the Illinois State Police, pursuant to 20 ILCS 2610/14 and 80 Ill. Admin. Code § 150.575, and states as follows:

COUNT I

SOLICITING A PROSTITUTE - ADMINISTRATIVE VIOLATION

1. Dawan Anderson (Respondent) is employed as a State Police Officer by the Illinois State Police (Department). Respondent holds the rank of Trooper and at all times relevant to this Complaint was assigned to patrol duties in District 15, the Illinois Tollway. Respondent has been employed by the Department since August 1, 2004.
2. At all times relevant to this complaint the Village of Matteson, Illinois, (Matteson) had in force Ordinance 138 entitled "Public Morals Nuisance Violation Ordinance," subsection (F) entitled "Soliciting of a Prostitute," which made it an ordinance violation to solicit another for the purpose of prostitution

or to arrange to meet a prostitute. Matteson also had in force Ordinance Section 72-45(f), which provided for the seizure and impoundment of motor vehicles used in the commission of solicitation of a prostitute or a sexual act as defined in the Illinois Criminal Code.

3. On March 19, 2015, the Matteson Police Department and the Cook County Sheriff's Office conducted an undercover prostitution detail at the LaQuinta Inn in Matteson, Illinois, utilizing three female undercover officers posing as prostitutes. The officers working this detail posted three ads on the internet website Backpage (www.backpage.com) under the section entitled "Escorts," one ad for each undercover female officer. Each ad was posted for the first time on the afternoon of March 19, 2015, after 2:00 p.m., and contained separate phone numbers for covert phones used by the Matteson Police Department.
4. Matteson Police Officer Christine Dean was one of the female undercover officers posing as a prostitute for the detail. Officer Dean's Backpage ad was entitled "Fun Kinky Hottie -- NEW in town.....60 Special!! – 30" and stated in part "sexy kinky and horny hottie looking to satisfy your every desire..sit back relax and try something new..I'm open minded and a taste of sweet temptation you need to unwind!" The ad listed a half-hour special for \$60 and an hour for \$90. The ad stated in-calls only, meaning the caller had to come to the location provided by the poster of the ad. The ad listed a phone number of 872-222-9678, which was the number of the covert phone used by Officer Dean for this detail.

The ad also displayed two pictures of a female in provocative attire with her face obstructed. The ad did not provide the poster's address or specific location, just South Chicagoland and Matteson.

5. For this detail Officer Dean and the other two female undercover officers were stationed in Room 339 of the LaQuinta Inn, posing as prostitutes. An arrest team of officers was stationed in the room across the hall. The room next door to Room 339 was used by other officers to process subjects detained during the detail.
6. Sometime after 3:30 p.m., Officer Dean received a phone call from a male subject on her covert phone (872-222-9678), and the name Dewan Anderson or Dawan Anderson displayed on her phone's caller id. The male subject asked Officer Dean if she was available, and Officer Dean asked him what he was looking for. The male subject informed Officer Dean he wanted a half hour of "full service" for \$60. Officer Dean told the male subject to go to Cicero Avenue and Route 30 (Lincoln Highway) and call her back once he got there. The male subject never requested a massage in this conversation.
7. "Full service" is a term commonly used by prostitutes and their customers to refer to sexual intercourse and/or oral sex.
8. The intersection of Cicero Avenue and Route 30 (Lincoln Highway) is 0.7 miles from the LaQuinta Inn in Matteson, Illinois.

10. A short time later Respondent, while off-duty, knocked on the door of Room 339, and Officer Dean let him into the room. Respondent stated he wanted a half hour of full service for \$60. The other two female undercover officers were present in the room, and one of them asked Respondent if he would like to have two girls, and Respondent stated "man that's nice." Officer Dean indicated the other females were leaving, and as they left the room the arrest team of officers came into the room and announced Respondent was under arrest. Respondent was handcuffed and escorted to the adjacent room for processing. Respondent never requested a massage while in the hotel room.
11. Respondent was issued a citation for the Matteson local ordinance violation of Soliciting of a Prostitute. Respondent's vehicle was impounded by the Matteson officers and moved to the rear parking area of the hotel. Respondent paid a \$500 fee to get his vehicle released from impound, and he was allowed to leave.
12. Respondent failed to notify his supervisor that he had been detained and taken into custody by the Matteson Police Department for Solicitation of a Prostitute and was the subject of an investigation.
13. The Department was notified by the Matteson Police Department that Respondent had been cited for the local ordinance violation of Solicitation of a Prostitute. ISP District 15 Commander Robert Meeder requested Respondent to complete a fact-finding memorandum. Respondent submitted a memorandum dated March 21, 2015, which stated that on March 19, 2015, he received a local

ordinance citation for solicitation of a prostitute by the Village of Matteson. In his memorandum Respondent denied soliciting for prostitution but admitted that during a phone conversation he had with the undercover officer, when he was asked how long he wanted to stay, 30 or 60 minutes, he replied "probably 30" and that when he was in the hotel room the second female asked him how about two girls he said "man that's nice."

14. On July 10, 2015, agents from the Department's Division of Internal investigation (DII) conducted an administrative interview of Respondent in the presence of his attorney after giving Respondent notice of the allegations under investigation and his administrative rights. During his administrative interview, among other statements, Respondent stated as follows: that he did not offer the undercover officer money in exchange for a sexual act during the telephone conversation(s) when they arranged to meet at the hotel; that he did not offer the undercover officer money in exchange for a sexual act while inside the hotel room; that the Matteson Police Department and Cook County Sheriff's Office officers were untruthful in their reports when they stated he had in fact offered money in exchange for a sexual act during the phone call or inside the hotel room; that he was the subject of an investigation in this incident yet failed to notify his supervisor about it, even though he worked on March 20, 2015; that his uncle told him he was talking on the phone with this woman about a massage "or whatever"; that he might have said to the female that he would

stay for 30 minutes; that when he went into the hotel room the female and he hugged; that he told the two women in the room "that's nice" when asked about having two girls; that he did not know what he did with the cell phone he used to call the undercover officer, that it was gone, and he thinks he threw it away; that he did not know where he dropped the phone.

15. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.22., which states:

"Except in the performance of duty or while acting under proper and specific orders from a superior officer, officers will not knowingly run, enter, visit or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the state, or the local jurisdiction are violated, solicit a prostitute or pimp, or patronize a prostitute or pimp."

(First Offense – Level 7 Misconduct: Up to Termination).

Respondent violated this rule in that on March 19, 2015, he knowingly entered the La Quinta Hotel in Matteson, Illinois, for the purpose of soliciting a prostitute, and while there solicited an undercover officer posing as a prostitute by offering her money in exchange for a sexual act.

COUNT II

ILLEGAL SEXUAL ACTIVITY - ADMINISTRATIVE VIOLATION

- 1.-14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count II as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.23., which states:

"Officers will not engage or participate in any illegal sexual act or activity, including but not limited to prostitution and/or pimping."

(First Offense – Level 7 Misconduct: Up to Termination).

Respondent violated this rule in that on March 19, 2015, he engaged or participated in illegal sexual activity, when he knowingly arranged to meet an undercover officer posing as a prostitute at the La Quinta Hotel in Matteson, Illinois, and while there solicited the undercover officer by offering her money in exchange for a sexual act.

COUNT III

FAILURE TO TRUTHFULLY ANSWER QUESTIONS

IN AN ADMINISTRATIVE INTERVIEW

- 1.-14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count III as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Rules of Conduct, Paragraph III.A.41.c., which states:

"Officers are required to truthfully answer questions by, or render material and relevant statements to, competent authority in a Department personnel investigation when said officer: ...

- (c) is the subject of the investigation and has been advised of his/her statutory administrative proceedings rights if the allegation indicates that a recommendation for demotion, suspension of more than 15 days or discharge from the Department is probable."

(First Offense-Level 7 Misconduct, Up to Termination).

Respondent violated this rule in that on July 10, 2015, he did not truthfully answer questions in a Department personnel investigation when he made the following statements in his administrative interview, each of which is not true:

"Officers will uphold the Constitution of the United States and the state of Illinois, obey all federal, state, and local laws in which jurisdiction the officer is present, and comply with court decisions and orders of courts having jurisdiction."

(First Offense – If Misdemeanor Offense, Level 4 Misconduct: 31 – 45 Days).

Respondent violated this rule in that on March 19, 2015, he committed the offense of Solicitation of a Sexual Act in violation of 720 ILCS 5/11-14.1, a Class A misdemeanor, and/or Soliciting of a Prostitute in violation of Matteson city ordinance 138(F) when he arranged to meet an undercover officer not his spouse posing as a prostitute, subsequently entered the La Quinta Hotel in Matteson, Illinois, for the purpose of soliciting a prostitute, and while there solicited the undercover officer posing as a prostitute by offering her money in exchange for a sexual act.

COUNT V

FAILURE TO NOTIFY A SUPERVISOR

1.-14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count V. as if fully set out herein.

- a. that he did not offer an undercover officer posing as a prostitute money in exchange for a sexual act during a telephone conversation(s) on March 19, 2015;
- b. that he did not offer an undercover officer posing as a prostitute money in exchange for a sexual act while at the La Quinta Hotel on March 19, 2015; and
- c. that the Matteson Police Department and Cook County Sheriff's Office officers were untruthful in their reports about Respondent's actions and/or statements on March 19, 2015, that led to the issuance of the citation for Soliciting of a Prostitute in violation of Matteson city ordinance 138(F).

COUNT IV

VIOLATION OF STATE LAW – SOLICITATION OF A SEXUAL ACT

- 1.-14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count IV as if fully set out herein.
- 15. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.1., which states:

15. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.59., which states:

"When an officer becomes aware they are the subject of an investigation by, or a criminal complaint to, a government agency other than the ISP, the officer will immediately notify his/her commanding officer/work unit supervisor, in writing, and inform him/her of the circumstances surrounding the incident being investigated, the agency conducting said investigation and what actions have been taken to resolve the matter. Officers must submit written notification to their supervisor immediately following any non-petty arrest, indictment or conviction (except minor traffic offenses)."

(First Offense – Level 2 Misconduct: 4 to 10 Days).

Respondent violated this rule in that on March 19, 2015, he was the subject of an investigation by a government agency other than the Illinois State Police when he was detained and taken into custody by the Matteson Police Department for Solicitation of a Prostitute and failed to notify his supervisor.

COUNT VI

BRINGING THE DEPARTMENT INTO DISREPUTE

- 1.-14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count VI. as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.8., which states:

"Officers will maintain a level of conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Officers will not participate in any conduct that impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute."

(First Offense – Level 2 Misconduct: 4 to 10 Days).

Respondent violated this rule in that on March 19, 2015, he knowingly entered the La Quinta Hotel in Matteson, Illinois, for the purpose of soliciting a prostitute, and while there solicited an undercover officer posing as a prostitute by offering her money in exchange for a sexual act. Respondent then failed to notify his supervisor or the Department that he was detained, taken into custody, and issued a citation by the Matteson Police Department for the local ordinance offense of Soliciting for a Prostitute. Respondent failed to maintain a

level of conduct in his personal affairs in keeping with the highest standards of the law enforcement profession.

CERTIFICATION

A copy of Illinois State Police Department Directive ROC-002, Rules of Conduct, is provided in the incorporated attachment and is certified by the Director as accurate, complete, and in full force and effect at the time the aforementioned acts were committed.

CONCLUSION

WHEREFORE, by reason of these facts and charges, I request the Illinois State Police Merit Board conduct a hearing in this matter and terminate Respondent from employment with the Illinois State Police.

Respectfully submitted,



Leo P. Schmitz
Leo P. Schmitz, Director

Illinois State Police
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Springfield, Illinois 62703